



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAY 11 2015

CERTIFIED MAIL 7009 1680 0000 7677 9197
RETURN RECEIPT REQUESTED

Mr. Matthew Novak
Plant Manager
General Electric Company – Bucyrus Lamp Plant
1250 South Walnut Street
Bucyrus, Ohio 44820

Re: Notice of Violation
Compliance Evaluation Inspection
OHD004211587

Dear Mr. Novak:

On February 26, 2015, representatives of the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency inspected the General Electric Company – Bucyrus Lamp Plant (GE - Bucyrus) facility located in Bucyrus, Ohio. As a large quantity generator of hazardous waste, GE - Bucyrus is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate GE - Bucyrus' compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by GE - Bucyrus, EPA's review of records pertaining to GE - Bucyrus, and the inspector's observations, EPA has determined that GE - Bucyrus has unlawfully stored hazardous waste without a permit or interim status as a result of GE - Bucyrus' failure to comply with certain conditions for a permit exemption under Ohio Admin. Code § 3745-52-34(A)-(C) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption conditions with which GE - Bucyrus was out of compliance at the time of the inspection in paragraphs 1-3, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator: (a) becomes an operator of a

hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption conditions identified in paragraphs 2-3 are also independent TSD requirements incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256. Accordingly, each failure of GE - Bucyrus to comply with these conditions is also a violation of the corresponding requirement in Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 [40 C.F.R. Part 265] (if the facility should have fully complied with the requirements for interim status), or Ohio Admin. Code chs. 3745-54 to 57 and 3745-205 [40 C.F.R. Part 264] (if the facility should have been permitted).

Finally, EPA has determined that GE - Bucyrus violated RCRA requirements related to hazardous waste determination and recordkeeping, as described in paragraphs 4 and 5, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS

At the time of the inspection, GE - Bucyrus was out of compliance with the following large quantity generator permit exemption conditions:

1. Satellite Accumulation Area (SAA) Conditions

Under Ohio Admin. Code § 3745-52-34(C)(2) [40 C.F.R. § 262.34(c)(2)], a generator who accumulates either hazardous waste or acutely hazardous waste listed in rule 3745-51-31 or paragraph (E) of rule 3745-51-33 of the Administrative Code in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (A) of this rule or other applicable provisions of Chapter 3745-52 of the Administrative Code. During the three-day period, the generator must continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

During the inspection of the MRT Room, at the Phosphor Reclaim area, there was a satellite accumulation area (SAA) that consisted of one Gaylord box. The box was filled with mercury filters (plexiglass top) and was labeled as "Hazardous Waste" and "D009." The box was not dated when the 55 gallon limit was exceeded.

The permit exemption conditions identified below in paragraphs 2-3 are also independent TSD requirements violated by GE - Bucyrus:

2. Contingency Plan Content

A large quantity generator must have a contingency plan that lists names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency

coordinator (see rule 3745-65-55 of the Administrative Code), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. *See* Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-52(D) [40 C.F.R. §§ 262.34(a)(4) and 265.52(d)].

Also, the contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. *See* Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-52(E) [40 C.F.R. §§ 262.34(a)(4) and 265.52(e)].

During the inspection of records, the review of the facility's contingency plan indicated that there were no home addresses listed for the emergency coordinators. There was no descriptions of the capabilities/types and locations described for the facility's fire extinguishers in the plan. There also was no described locations for the facility's decontamination equipment in the plan. Since the inspection, GE – Bucyrus submitted correspondence dated March 9, 2015, which included documentation that the facility's contingency plan included home addresses listed for the emergency coordinators. The same correspondence indicated that the required content for the facility's fire extinguishers was added to the plan. However, there was no documentation provided since the inspection that indicated the required content (described locations) for the facility's decontamination equipment had been added to the plan.

3. Contingency Plan Copies

A large quantity generator must ensure that a copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams that may be requested to provide emergency services. *See* Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B) [40 C.F.R. §§ 262.34(a)(4) and 265.53(b)].

During the inspection of records, the review of the facility's contingency plan indicated that there was documentation that the plan had been submitted to the local fire department and the Crawford County Emergency Management office, however there was no documentation that the plan had been sent to the local hospital and police department. Since the inspection, GE – Bucyrus submitted correspondence dated March 9, 2015, which included documentation that the facility's contingency plan had been submitted to all of the required authorities. Thus, no further actions are necessary to comply with this condition and requirement.

Summary: By failing to comply with the conditions for a permit exemption, above, GE - Bucyrus became an operator of a hazardous waste storage facility, and was required to obtain an Ohio hazardous waste storage permit. GE - Bucyrus failed to apply for such a permit. GE - Bucyrus' failure to apply for and obtain a hazardous waste storage permit violated the requirements of Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 is also an independent violation of the corresponding TSD requirement.

GE - Bucyrus violated the following generator requirements:

4. Hazardous Waste Determination

Under Ohio Admin. Code § 3745-52-11 [40 C.F.R. § 262.11], the generator must keep records of any test results, waste analyses, or other determinations made in accordance with rule 3745-52-11 of the Administrative Code for at least three years after the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

During the inspection of records, there was no documented waste determination provided for the carbon bed dust (phosphor) powder. Also, there was no documented waste determination provided for the spent paint booth fabric filters. Since the inspection, GE – Bucyrus submitted correspondence dated March 9, 2015, which included documentation that the carbon bed phosphor powder gets re-used in the manufacturing process and is not a waste. Also, since the inspection, GE – Bucyrus submitted correspondence dated March 12, 2015, which included documentation of a waste determination including analytical test results for the spent paint booth fabric filters. Thus, no further actions are necessary to comply with this requirement.

5. Generator Recordkeeping

Under Ohio Admin. Code § 3745-52-40(C) [40 C.F.R. § 262.40(c)], the generator must keep records of any test results, waste analyses, or other determinations made in accordance with rule 3745-52-11 of the Administrative Code for at least three years after the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

During the inspection of records, there was no documented waste characterization provided for the carbon bed dust (phosphor) powder. Also, there was no documented waste characterization provided for the spent paint booth fabric filters. Since the inspection, GE – Bucyrus submitted correspondence dated March 9, 2015, which included documentation that the carbon bed phosphor powder gets re-used in the manufacturing process and is not a waste. Also, since the inspection, GE – Bucyrus submitted correspondence dated March 12, 2015, which included documentation of a

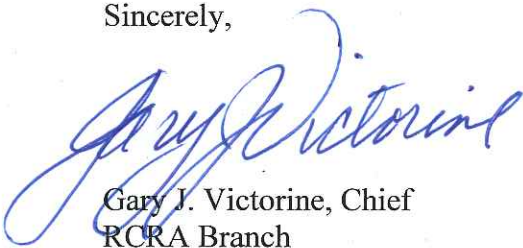
waste determination including analytical test results for the spent paint booth fabric filters. Thus, no further actions are necessary to comply with this requirement.

At this time, EPA is not requiring GE - Bucyrus to apply for an Ohio hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption outlined in paragraphs 1 and 2, above.

After the inspection, as documented in a March 9, 2015, email to EPA, you took certain actions to establish compliance with a portion of the above conditions and requirements (above-referenced in paragraph 2) associated with the facility's contingency plan. The same March 9, 2015, email to EPA, did document compliance with paragraph 3 and a portion (carbon bed powder not being a waste) of paragraphs 4 and 5. Also, GE - Bucyrus documented in a March 12, 2015, email to EPA that documented compliance with paragraph 4 and 5. Your emails did not include any actions you may have taken related to conditions and requirements in paragraphs 1 (SAA management) and 2 (no documentation provided that indicated the required content (described locations) for the facility's decontamination equipment had been added to the plan). According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, you have taken related to paragraph 2. You should submit your response to Bryan Gangwisch, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Gangwisch, of my staff, at (312) 886-0989 or at gangwisch.bryan@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Jeremy Breitner, GE - Bucyrus, Jeremy.breitner@ge.com

Melissa Boyers, Ohio EPA-NWDO, melissa.boyers@epa.ohio.gov

Teri Finfrock, Ohio EPA-CDO, teri.finfrock@epa.ohio.gov